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Background Checks and Fingerprinting in Public School Systems (Part II)

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It is understood that background checks with the inclusion of fingerprinting is simply a snapshot of the background history of that individual at that point and time. In addition, screening with fingerprints only detects individuals that have encountered the criminal justice system. It is, however, a starting point. So, what sanctions are imposed on individuals that have been accused of misconduct? What do administrators of schools do with complaints and accusations of educator misconduct?

This is the second of a three part series of articles discussing background checks and fingerprinting in the K-12 public schools. The first article discussed background checks with the inclusion of fingerprinting—the benefits and limitations as well as the policies of 50 states and the District of Columbia. This article discusses effects of educator misconduct, complaints and accusations, consequences for abusers, state disciplinary action, cause for sanctions, and access to actions.

Effects of Educator Misconduct

Some states delayed requirements of criminal background checks with fingerprinting due to the expense, however, the cost of fingerprinting may be minimal compared to the cost of correcting the effect of educator misconduct. Dr. Charol Shakeshaft (2004) conducted a reanalysis of the American Association of University Women data as a portion of the requirement of the above mentioned study for the Elementary and Secondary Education Act. Shakeshaft found that student targets of educator sexual misconduct report that they suffer emotional, educational, and developmental or health effects. She explained these effects in greater detail as follows:

At least a third of students report behaviors that would negatively affect academic achievement:

- Avoid the teacher or other educator (43 percent)
- Do not want to go to school (36 percent)
- Do not talk much in class (34 percent)
- Have trouble paying attention (31 percent)
- Stayed home from school or cut a class (29 percent)
- Found it hard to study (29 percent)

About a quarter of students who were targets of educator sexual misconduct report academic or discipline repercussions that they attribute to the incident:

- Thought about changing schools (19 percent)
- Changed schools (6 percent)
- Received a lower grade on a test or assignment (25 percent)
- Received a lower grade in class (25 percent)
- Got into trouble with school authorities (25 percent)
- Felt less likely to get a good grade (23 percent)

Health effects such as sleep disorder and appetite loss were reported by 28 percent of students. A substantial number of students report negative feelings of self worth because of the abuse:

- Felt embarrassed (51 percent)
- Felt self conscious (39 percent)
- Less sure of self or less confident (37 percent)
- Felt afraid or scared (36 percent)
- Felt confused about identity (29 percent)

- Doubted whether could ever have a happy romantic relationship (29 percent) (2004, p. 43-44)

In addition to the costs to the abused student, society also pays a price when educator sexual misconduct is not adequately addressed by school officials. Shakeshaft (2004) cited a study from Campanile and Montero (2001) that reported sexual abuse in the New York City schools which indicated that more than \$18.7 million was paid between 1996 and 2001 to students who were sexually abused by educators, and 110 cases were still active. Fees for attorneys and investigators are in addition to the settlement amounts. A follow-up study from Campanile in 2004 listed more than 600 legal claims and lawsuits filed against New York City public schools in the three years since 2001 at a cost of hundreds of millions of dollars if the claims prevail (Shakeshaft, 2004). Shakeshaft (2004) added, "If educator sexual misconduct had been prevented, the effort and resources necessary to respond to the claims might have been put to better use" (p. 43).

Complaints and Accusations

There are various ways of handling complaints and accusations. For example, the Los Angeles Unified School District has its own department to handle cases in which teachers are accused of abusing students. In Pennsylvania, students or parents who are uncomfortable making a complaint to the school principal can go directly to the State Department of Education (Post-Gazette, 1999). State officials of Pennsylvania might never have learned of the criminal background of a teacher, Julio Wilson, had it not been for an angry mother's call to the State Department of Education. She reported Julio Wilson as the teacher who molested her daughter when he was a teacher in a non-public school in Pennsylvania. She found that he was again teaching in Carlisle Area School District even after he had pled guilty to aggravated assault, corruption of minors, and giving alcohol to minors, among other charges (Post-Gazette, 1999). Julio Wilson had escaped a tarnished background check with a false name—Julia Wilson—and a fake social security number he acquired from the Internet. Because of the call from the victim's mother, state officials began revocation proceedings and revoked his teaching license in 1996 (Post-Gazette, 1999).

Most complaints are first reported directly to administrators of school districts. However, there is variation in how they are handled. After several inconsistencies from administrators in Arizona, some lawmakers wanted uniform guidelines for principals concerning teacher behavior. An informal survey of school districts across the valley showed that many treat complaints on a case-by-case basis and give greater weight to written complaints than verbal ones (The Arizona Republic, 2003).

In one instance, Paradise Valley teacher David Michael Renaud was charged with child molestation, aggravated assault, sexual abuse, and kidnapping. At least two parents had previously talked to Renaud's principal at Cherokee Elementary School in 1998 and 2001. One parent complained that Renaud wrote inappropriate personal notes to a child while another said he was constantly asking for hugs from little girls. The school principal responded to the complaint by writing Renaud a "memo of Directive," ordering him not to be alone with students and not to write personal notes or e-mails (The Arizona Republic, 2003).

Another school in the area had also been in trouble over the years. In 1996, a teacher at Cactus View Elementary school in the Paradise Valley Unified School District was sentenced to life in prison after molesting boys in his physical education class. The school's principal at the time was reprimanded by the State Board of Education for not reporting it to police or child protective services (The Arizona Republic, 2003).

Consequences for Abusers

In a 1994 study by Shakeshaft and Cohan, 225 cases of educator sexual abuse in New York were examined. All of the accused had admitted to sexual abuse of a student, but none of the abusers were

reported to authorities, and only one percent lost their license to teach (Shakeshaft, 2004). All of the accused had admitted to physical sexual abuse of a student, but only 35 percent received a negative consequence for their actions: 15 percent were terminated or, if not tenured, they were not rehired; and 20 percent received a formal reprimand or suspension. Another 25 percent received no consequence or were reprimanded informally and off-the-record. Nearly 39 percent chose to leave the district, most with positive recommendations or even retirement packages intact (2004). A 2001 report by Campanile and Montero on sexual abuse in New York City indicated that 60 percent of employees who were accused of sexual abuse were transferred to desk jobs at offices inside schools and 40 percent of those teachers were repeat offenders (Shakeshaft, 2004).

In a year-long investigatio

n, The Seattle Times found that at least 159 Washington coaches have been reprimanded, warned, or let go in the past decade because of sexual misconduct. However, at least 98 of them continued coaching or teaching afterward, and 29 were even employed by different school districts. (O'Hagan & Willmsen, 2003).

Why should it be so difficult to fire individuals who harm kids? The Seattle Times found that several issues may come into play. One problem is that administrators are not trained to investigate sexual abuse, yet they—not qualified social workers or detectives—are the ones doing the investigation, missing warning signs or ignoring complaints altogether (O'Hagan & Willmsen, 2003). Also, O'Hagan & Willmsen found districts do not always document discipline (2003). Many times districts give oral instead of written reprimands, which leaves no paper trail. A third difficulty in firing a public school teacher/coach is the belief that the teachers' union will strenuously fight any discipline (2003).

Shakeshaft (2004), in her report to the U. S. Department of Education, found little data on sentencing within states or across states. She conducted an analysis of the state of Nevada sentences in educator sexual abuse cases between 1994 and 2003 and found a "lack of uniformity of response and consequences" (Shakeshaft, 2004, p. 44-45). Shakeshaft (2004) found:

in several instances, teachers were allowed to resign from their positions after being found guilty of sexually abusing a student and received no criminal penalty...One abuser received life in prison with the possibility of parole within five years while an offender in a similar case was given up to 5 years probation (p. 44-45).

State Disciplinary Action

Most states have some type of professional standards board which adheres to state level policies. A report from the Education Commission of the States (ECS) showed such boards have several purposes:

- 1) Establish standards and requirements for obtaining and maintaining teaching licenses/certificates
- 2) Issue, renew, suspend and revoke licenses
- 3) Hear appeals regarding actions taken with licensees
- 4) Set standards for examinations to assure eligibility for licenses to enter teaching
- 5) Create actions that impact teacher education and professional development
- 6) Create plans/actions for attracting qualified candidates to the profession (2002).

The composition of these boards typically might include teachers from various levels (elementary, middle, and secondary), higher education representatives, superintendents, principals, state board members, higher education board members and community/business members. Some have a teacher majority; others do not (ECS, 2002).

These boards have varying degrees of power. They can be categorized as autonomous, semi-autonomous, or advisory boards. Autonomous boards actually make decisions rather than merely

“recommending” decisions to another entity such as a state board of education. Semi-autonomous boards make decisions also, but may be overridden by another entity. Advisory boards make recommendations only (ECS, 2002). As reported by ECS in 2002, autonomous boards exist in 17 states; semi-autonomous boards in 3 states, advisory boards in 23 states, and no board exists in 7 states.

Cause for Sanctions

Generally speaking, most states are similar in that they may impose sanctions (revoke, suspend, or deny certification) upon proof of conviction, sexual misconduct, drug violations, theft, assault, misappropriation of funds, or contract abandonment. Because many states impose the same sanctions for specific actions, communication among the states becomes extremely important. For example, if one state has imposed a licensure revocation due to sexual misconduct, innocent individuals could avoid being harmed if other states are aware of the action and can automatically impose the same sanction prior to hiring the individual. Fingerprinting is the best way to properly identify individuals, which then assists in detecting prior convictions very effectively and efficiently as well as gathering certificate sanction information through the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse.

Reasons for automatic revocations or denials among states vary, yet crimes related to children are recognized as a common thread. In 2002, the NASDTEC manual showed data from 20 states. Sexual offenses and crimes against children will cause Arizona, Idaho, North Dakota, Oregon, Washington, and Wisconsin to issue an automatic revocation. Arkansas, California, Connecticut, Kansas, Louisiana, and South Dakota will automatically revoke a certificate if there is past history of felony sex, felony drugs, or serious or violent felonies. The District of Columbia will always revoke a certificate if it was fraudulently or deceptively obtained. The District of Columbia and Illinois will also revoke a certificate based on conviction of certain enumerated sex and narcotics crimes and attempted homicide. And finally, Oklahoma revokes certificates on the basis of conviction of a felony, any crime involving moral turpitude or a felony violation of the narcotics laws of the US or the state of Oklahoma provided the conviction was entered within the preceding ten-year period (NASDTEC, 2002).

By 2004, the NASDTEC Clearinghouse began collecting more specific data concerning educator certificate sanctions and is considered to be the most comprehensive source of information about teacher education and certification published in the United States. The Clearinghouse Knowledgebase collected data concerning disciplinary actions. Table 1 shows four questions surrounding issues of certificate sanctions; the questions were posed in 2004, reported in 2005 and are currently the most recent data available. Sixteen (16) states did not respond to any of the four questions. Among the other states that did respond, most of the states either gave the authority to revoke, suspend, or deny educator certificates to the State Department of Education, the State Board of Education, or the Professional Teaching Practices Commission. The same is true for the agency that investigates educator discipline cases. Louisiana reported that there is no agency that investigates educator discipline cases in that state. Acts that are grounds for automatic revocation or denial are shown in Table 1. Nine states report having no acts that are grounds for automatic revocation or denial. The final question asked, “What length of time must pass before a revoked educator applies for reinstatement?” Two states reported “Never”—revocations are permanent. Three states reported that only one year must pass before a revoked educator applies for reinstatement. Those three states listed these reasons for automatic revocation: a list of designated sex offenses and major crimes against persons, crimes against children, and conviction of a felony. Those three states willing to re-examine a revoked certificate after a year’s time are Oregon, Washington, and Wyoming.

Table 1: Disciplinary Actions

State	What Agency Has Authority to Revoke, Suspend, or Deny Educator Certificates?	What Agency Investigates Educator Discipline Cases?	What Acts are Grounds for Automatic Revocation or Denial?	What Length of Time Must Pass Before a Revoked Educator Applies for Reinstatement?
Alabama	Chief state school officer	State investigator and certification officer with advice of legal counsel	None—always subject to due process	Varies
Alaska	Professional Teaching practices Commission	Professional Teaching practices Commission	Each case is investigated to determine if certificate should be revoked or denied. Applicants are afforded due process.	Varies
Arizona	State Board of Education	Investigative Unit of the Arizona State Board of Education	There are specific convictions that permanently revoke or deny certification	...
Arkansas	State Board of Education	Department of Education	...	Varies
California	Commission on Teacher Credentialing	Commission on Teacher Credentialing
Delaware	Department of Education	School District or other employing authority	Materially false or misleading statement on licensure application; immorality, misconduct in office, incompetence, willful neglect of duty or disloyalty	Never. Revocations are Permanent.
Florida	Education Practices Commission	Florida Department of Education, Bureau of Professional Practices Services	None	Varies
Georgia	Professional Standards Commission	Professional Standards Commission	None	Varies
Idaho	State Department of Education and Professional Standards Commission	State Department of Education and Professional Standards Commission	Felony convictions for crimes against children	Varies
Illinois	The State Board of Education may deny; a regional superintendent of schools may suspend; the State Superintendent may revoke.	The State Board of Education	Certain narcotics and drug offenses; sex offenses; attempted murder; Class X crimes	Never. Revocations are Permanent

Indiana	The Indiana Department of Education and the Division of Professional Standards	The Indiana Department of Education	<p>Under IC 20-6.1-3-7 (d) The Board, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the board to have been convicted of any of the following felonies:</p> <p>Kidnapping (anyone less than 18 years old); Criminal Confinement (anyone less than 18 years old); Rape (anyone less than 18 years old); Criminal Deviant Conduct (anyone less than 18 years old); Child Molesting; Child Exploitation; Vicarious Sexual Gratification; Child Solicitation; Child Seduction; Sexual Misconduct with a Minor; Incest (anyone less than 18 years old); Dealing in or Manufacturing Cocaine, a Narcotic Drug, or Methamphetamine; Dealing in a Schedule I, II, or III Controlled Substance; Dealing in a Schedule IV Controlled Substance; Dealing in a Schedule V Controlled Substance; Dealing in a Counterfeit Substance; Dealing in Marijuana, Hash Oil, or Hashish</p>	2 years
Kansas	Kansas State Board of Education	Kansas State Board of Education	None, all cases must go through Professional Practices Commission	5 years
Louisiana	Louisiana State Board of Elementary and Secondary Education	None	Felony Convictions	3 years
Massachusetts	Department of Education	Department of Education	None	Varies

Michigan	Michigan Department of Education	Michigan Department of Education	The grounds for Automatic Suspension or Denial include criminal convictions for sexual offenses and other felony/misdemeanor <u>which the Superintendent of Public Instruction deems that protection of the public's health, safety, or welfare requires</u> emergency action and orders summary suspension of the certificate.	Varies
Minnesota	Minnesota Board of Teaching	Minnesota Board of Teaching investigates licensed teachers; Minnesota Board of School Administrators investigates licensed administrators	Most convictions for criminal sexual conduct (or similar crime in other states).	Varies
Missouri	Missouri State Board of Education	Office of the Attorney General	Statutory list and contractual breach	Varies
Nebraska	Nebraska Department of Education	Nebraska Department of Education	None	Varies
Nevada	State Board of Education	Department of Education	Felony Moral Turpitude	...
New Hampshire	State Board of Education	Department of Education	(A) <u>Conviction of felony</u> , (1) child pornography, (2) Felonious physical assault on a minor, and (3) any sexual assault. RSA 189:14-c Revocation of Certification. Denial of Certificate: Any felony, including but not limited to: (1) Homicide, (2) Child pornography, (3) Aggravated sexual assault, (4) Kidnapping, (5) Controlled Substance on school property, and (6) Child Abuse. NH Code of Administrative Rule Ed 508.07 Denial of Initial Application.	Varies
New Mexico	NM Public Education Department	NM Public Education Department	No automatic revocation exists.	...
New York	Commissioner of Education	State Education Department, Office of School Personnel Review and Accountability (OSPRA)	None	...

Ohio	The State Board of Education	The Ohio Department of Education, Office of Professional Conduct	The State Board of Education automatically may suspend any license without a prior hearing if the license holder is convicted of or pleads guilty to one or more of the following offenses or a violation of an ordinance of a municipal corporation or a law of another state that is substantially comparable to one of the following offenses: aggravated murder; murder aggravated robbery; aggravated burglary; voluntary manslaughter; felonious assault; kidnapping; rape; sexual battery; gross sexual imposition; or unlawful sexual conduct with a minor. A suspension under this division is effective on the date of the conviction or guilty plea.	Varies
Oregon	Teacher Standards and Practices Commission	Teacher Standards and Practices Commission	A list of designated sex offenses and major crimes against persons.	1 year
Pennsylvania	Professional Standards and Practices Commission	Department's Chief Counsel's Office	Crimes involving moral turpitude or a specified list of crimes in school code	Varies
Rhode Island	Rhode Island Department of Elementary/ Secondary Education	Rhode Island Department of Elementary/ Secondary Education	Varies by case	Varies
South Carolina	State Board of Education	State Board of Education	Violent acts or inappropriate sexual offenses	3 years
Tennessee	State Board of Education	State Board of Education	None	Varies
Utah	Utah State Board of Education	Utah Professional Practices Advisory Commission	Conviction(s) and/or multiple arrests for alcohol & drug Abuse; assault & battery, child abuse, sexual misconduct, and fraud.	Varies
Vermont	Revoke—State Board of Education Suspend—Commissioner of Education Deny—Commissioner of Education	Vermont Department of Education		Varies

Virginia	Virginia Board of Education	School divisions and the Virginia Department of Education	Virginia does not have automatic revocation or denial. Each case is reviewed.	5 years
Washington	Office of Superintendent of Public Instruction (OSPI)	OSPI	Crimes against children	1 year
West Virginia	West Virginia Department of Education	West Virginia Department of Education	Felonies Numerous Misdemeanors Improper Conduct with Students Insubordination	Varies
Wisconsin	The Department of Public Instruction	The Department of Public Instruction	Crimes against children, certain crimes against persons	Varies
Wyoming	Professional Teaching Standards Board	Professional Teaching Standards Board	Conviction of a felony	1 year

Access to Actions

Most states honor sanctions placed on certificates from other states. For example, Article 22 of the Kansas statutes stated, “any applicant for licensure whose license has been suspended, canceled, revoked, or surrendered in another state shall not be eligible for licensure in Kansas until the applicant is eligible for licensure in the state in which the suspension, cancellation, revocation, or surrender occurred” (Vol. 19, No. 18; May 4, 2000).

Most states reported that access is a matter of public record; however, the extent of the access varies. Some reported the decision only. Kansas reported the decision and the nature of the charge. New Mexico’s access is determined by legal counsel on a case-by-case basis. In Texas access is subject to the Family Educational Rights and Privacy Act (FERPA) and the Texas Open Records Act, while in New York one can access the decision and the nature of the charge. New York’s position is a conservative one in its attempt to limit information so as to protect all parties (NASDTEC, 2002). Another limitation was that of expunged records. Expunged criminal records are not available to all states. Fifteen (15) states have access to expunged criminal records while 31 reported they do not have such access. States also have various reporting requirements: 39 states will report criminal actions to public school officials while 12 do not; there are only 16 states that report criminal actions to private school officials. There are 21 states that have access to the Child Abuse Central Registry, part of the Division of Family and Children Services, and 26 states have access to a list of registered sex offenders.

Through the NASDTEC website as well as the interview with Executive Director Roy Einreinhofer (personal communication, July 10, 2006), it was learned that since the inception of the Clearinghouse in 1987, more than 22,000 actions for cause have been reported by the member states and jurisdictions. Members reported the status of the action taken on a certificate whether it be denied, invalidated, revoked, suspended, or voluntarily surrendered, and the nature of the sanction. The Clearinghouse warned that “those members receiving this data should thoroughly investigate the reasons for sanctions on specific cases before drawing any conclusions” (2005). In other words, although certificate sanctions can be found through the Clearinghouse, one should contact the member state or jurisdiction that reported such sanctions to get the full story behind the cause for action. Members also need to consult reporting jurisdictions to ascertain the present, up-to-date status of

cases and individuals.

The Clearinghouse attempted to collect certificate status data monthly; however, some member states/jurisdictions only reported quarterly, while others reported as soon as the action on a certificate has occurred, which can be daily. This depended on the regulations of the state or legislation. Complete data as far as numbers of certificate sanctions and the causes for the actions were concerned have not been updated by the Clearinghouse, and Roy Einreinhofer said that they were due for a “major re-haul” (personal communication, July 10, 2006).

Only NASDTEC Clearinghouse members can access certificate information. For example, the Kansas State Department of Education (KSDE) has access to certificate status, but individual school districts in Kansas do not. All information concerning the status of a certificate must go through KSDE, and furthermore, the KSDE must remember to check with the reporting jurisdiction concerning the specific circumstances of a certificate prior to taking any action of its own. This information was not published for the public to see through the Clearinghouse. However, after studying the data provided in the Clearinghouse Knowledgebase, it was evident that there were other ways to gain access to educator discipline and records. Table 2 was taken from the Clearinghouse Knowledgebase, which was information gathered in 2004 but reported in 2005. The table shows the extent of access to educator discipline records. These 22 states did not report the information to the Clearinghouse Knowledgebase: Arkansas, California, Colorado, Connecticut, District of Columbia, Hawaii, Iowa, Kentucky, Maine, Maryland, Mississippi, Montana, Nevada, New Jersey, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Texas, and Virginia. Although there were 22 states not responding, Roy Einreinhofer still considered the percentage of responses from the states to be high.

Table 2: Access to Educator Discipline Records

State	Who Has Access to State Educator Discipline Records?	Who is Required to Report Educator Ethics or Discipline Cases?	What Types of Incidents Must Be Reported?
Alabama	Public Access	Public School Officials Only	Immoral conduct, unbecoming or indecent behavior
Alaska	There is only access to the final disposition when a certificate is sanctioned.	Public School Officials Only	Sexual misconduct by a teacher or physical abuse by a teacher
Arizona	Public record	Both Public and Private School Officials	Felony convictions; immoral and unprofessional conduct
Delaware	Based on Freedom of Information Act	Both Public and Private School Officials	Mandatory reporting for dismissal for immorality or resignation or retirement pending dismissal for immorality and making a materially false or misleading statement on license application. Permissive reporting for dismissal for misconduct in office, incompetence, willful neglect of duty or disloyalty.
Florida	General Public within the guidelines of public records law.	Public School Officials Only	Violations of Florida Statutes or State Board of Education Rules, a plea of <u>nolo contendere</u> , a plea of guilty, adjudication of guilty, adjudication withheld, entry into a pretrial diversion program/deferred prosecution program, other professional sanctions.
Georgia	General Public, within guidelines of the Open Records Act	Public School Officials Only	Acts of Moral Turpitude as defined by case law in Georgia
Idaho	Bureau of Cert./Professional Standards Commission limited Staff	Both Public and Private School Officials	Any violation contained in the code of ethics and convictions
Illinois	The State Board of Education	Public School Officials Only	Charges of criminal violations sex offenses
Indiana	Anyone who submits a written request for the information.	Both Public and Private School Officials	The State Superintendent shall be notified of any act which would lead to permanent license revocation, including: Kidnapping (anyone less than 18 years old); Criminal Confinement (anyone less than 18 years old); Rape (anyone less than 18 years old); Criminal Deviant Conduct (anyone less than 18 years old); Child Molesting; Child Exploitation; Vicarious Sexual Gratification; Child Solicitation; Child Seduction; Sexual Misconduct with a Minor; Incest (anyone less than 18 years old); Dealing in or Manufacturing Cocaine, a Narcotic Drug, or Methamphetamine; Dealing in a Schedule I, II, or III Controlled Substance; Dealing in a Schedule IV Controlled Substance; Dealing in a Schedule V Controlled substance; Dealing in a Counterfeit Substance; Dealing in Marijuana, Hash Oil, or Hashish.

Kansas	Public	Both Public and Private School Officials	Felony convictions and diversions involving dishonesty, drugs, or harm to children.
Louisiana	N/A	None	Felony Convictions
Massachusetts	Licensure and Legal Office	...	Dismissals, resignations upon notice of probable cause to dismiss, and non-renewals
Michigan	The information is available through a written request under the Freedom of information Act.	Both Public and Private School Officials	Felony criminal convictions and enumerated misdemeanors.
Minnesota	If final action is taken by Board, copy of the final action is public. Otherwise, records are not public.	Public School Officials Only	Alleged violations of Minnesota Statutes section 122A.20, subd. 1(a) and Minnesota Rule 8700.7500, the Code of Ethics for Minnesota Teachers, and 3512.5200, Code of Ethics for Minnesota Administrators.
Missouri	...	Public School Officials Only	Statutory list of incidents
Nebraska	Public	Both Public and Private School Officials	The following known violation of the Standards of Conduct and Ethics must be reported to the Commissioner: Having a certificate revoked for cause; Committing any act of moral turpitude or any felony under the laws of the United States or any state or territory; Having a misdemeanor conviction involving abuse, neglect, or sexual misconduct; Misrepresenting professional qualifications or those of colleagues.
New Hampshire	Director, Division of Program Support and the investigator, Educator Misconduct	Both Public and Private school Officials	(A) Misconduct or unprofessional conduct on or off duty (1) potentially place a student(s) in physical or emotional jeopardy, (2) conduct that so distracts from the educator's professional standing as to render him/her unfit to carry out assigned duties. (B) Conviction of a felony for the same.
New Mexico	State and District	Both Public and Private School Officials	Any violation of the code of ethics or criminal conduct.
New York	Public record if decision favors the State's position as to questionable moral character.	Public School Officials Only	Any act that raises a reasonable question as to the certificate holder's or applicant's moral character.
Ohio	All disciplinary records are public documents	Both Public and Private School Officials	Alleged sexual, physical, or emotional abuse or neglect.
Pennsylvania	Decision of the Chief Counsel's Office	Public School Officials Only	In cases of dismissal, any reason which may present good cause for revoking or suspending a certificate
Rhode Island	Staff of the Office of Teacher Certification	Public School Officials Only	All incidents that raise questions regarding an individual's fitness to hold a certificate.
Tennessee	State Board of Education and State Dept of Education	Both Public and Private School Officials	Any reason which may present good cause
Utah	Utah Professional Practices Advisory Commission	Both Public and Private School Officials	Arrest, convictions, and incidents of child abuse, sexual misconduct, fraud, drug and alcohol abuse, and assault and battery.

Vermont	DOE Investigators maintain internal records. All suspensions and revocations are posted on department web site.	Public School Officials Only	Allegations about conduct of an educator which might be grounds under the rules for suspension or revocation.
Washington	Closed cases are subject to public disclosure	Both Public and Private School Officials	Misrepresentation or falsification in the course of professional practice; alcohol or controlled substance abuse; disregard or abandonment of generally recognized professional standards; abandonment of contract for professional services; unauthorized professional practice; sexual misconduct with students; furnishing alcohol or controlled substance to students; improper remunerative conduct; failure to assure the transfer of student record information or student records; failure to file a complaint.
West Virginia	The WVDE and legal authorities have access. The employing district has access after a ruling under certain conditions.	Both Public and Private School Officials	Incidents involving students, crimes or other serious personnel issues.
Wisconsin	No access	Both Public and Private School Officials	Crimes against children, certain crimes against persons
Wyoming	Open access following Board action	Both Public and Private School Officials	Felony convictions must be reported.

The Clearinghouse asked for information concerning, “Who is required to report educator ethics or discipline cases?” There were 23 states that have no response to this question. Sixteen states reported that both public and private school officials were required to report such cases, while 11 additional states only required public schools to report ethics or discipline cases. Louisiana required no officials to report discipline cases. Regarding the types of incidents that must be reported, Table 2 shows such categories as unprofessional and immoral conduct, felony convictions, false or misleading statements on license applications and crimes against children (to name a few).

Although all state education departments are members of the NASDTEC Clearinghouse that lists educators who have had some adverse action taken against them, the Clearinghouse is only as good as the data states enter. If states do not aggressively investigate misconduct by educators, or if they are simply lax in reporting data, the value of the Clearinghouse as a prevention tool is compromised. Aware of sex offenders’ proclivity to roam (Post-Gazette, Arizona Republic, O’Hagan & Willmsen), NASDTEC officials said these were problems they were trying to address (Education Week, 1998). The NASDTEC Clearinghouse has reported the following statistics (provided by member jurisdictions only) for the years 1987 through 2001:

Table 3: Licensure Actions, 1987-2001

Description	Criminal Convictions	Self Surrenders	Professional Misconduct
Violent Felonies	436	23	10
Sex. Misconduct Child	3098	504	147
Sex. Misconduct Adult	404	42	23
Substance Abuse (Child)	40	8	2
Substance Abuse (Sale or Use)	1020	49	56
Sex. Misconduct (no conviction-adult)	103	556	1753
Sex. Misconduct (no convic.-child)	16	121	323
Substance Abuse (no conviction)	9	16	121
All Other Actions	3128	756	4728
Total	8254	2075	7163
Total Actions Recorded—17,492			

Note: **Self Surrenders** refers to those certificate holders who gave up their licensure status on their own prior to state action but not usually before being accused of wrong doing.

Professional Misconduct refers to inappropriate moral and legal conduct of an educator in activities related to career or professional life, defined by statute or codes of conduct/ethics.

When considering the total number of teachers who are employed in the United States during a given year (72,000 per year in Massachusetts alone), 17,492 is considered a small number of certification applicants who have had action taken against them. Over a 14 year span, there were 3,098 convicted cases of sexual misconduct with children. The number of convicted cases was a very small amount when considering the extent of sexual abuse that takes place. Shakeshaft (2005) found several studies that estimate, only about 6 percent of all children report sexual abuse by an adult to someone that had any authority or was in a position to do something about it. Shakeshaft and Cohan (1994) found that very few students or school districts reported incidents to the police or other law enforcement agencies. When criminal justice officials were alerted, it was almost always due to a contact made by parents. More recently, an additional investigation was conducted by the Associated Press and found 2,570 educators whose teaching credentials were revoked, denied, surrendered or sanctioned from 2001 through 2005 following allegations of sexual misconduct ("Sexual Misconduct," 2007). As before, this appeared to be a small number of teachers committing sexual misconduct when considering there are 3 million public school teachers, most very devoted to their work (2007). However, the Associated Press pointed out that there were nearly three abusive educators for every school day ("Sexual Misconduct," 2007). This painted a very different picture of the problems the victims were facing in the K-12 classrooms.

The extent and causes of certificate revocations, suspensions, or denials in states as a result of various uses of background checks and fingerprinting was discussed in this article. The first article provided a good knowledge base of background checks and the benefit of adding fingerprints to the process. As was noted within the research, shared information concerning certificate revocations and other disciplinary action was only as good as the information reported from the states. Therefore, the question remains, does reciprocity among the states concerning certificate status and background checks make a difference in certificate revocation? The final spring article will discuss this research question.

Authors Note:

Individual states are constantly updating requirements; it is therefore advised that individuals check with each state teacher education licensing agency or department website for up-to-the-minute changes.

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